

The House Committee on Judiciary Non-civil offers the following substitute to HB 140:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, so as to provide for civil immunity for the dissemination of certain state-wide alerts; to create a state-wide "Blue Alert" system to speed the apprehension of violent criminals who kill or seriously injure local, state, or federal law enforcement officers; to provide for definitions; to provide for procedure; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, is amended by revising subsection (a) of Code Section 35-3-180, relating to immunity from civil damages for dissemination of alert information, as follows:

"(a) Any entity or individual ~~participating~~ involved in the dissemination of a 'Mattie's call' alert system generated pursuant to this article shall not be liable for any civil damages arising from the such dissemination ~~of any alert generated pursuant to the 'Mattie's call' alert system.~~"

SECTION 2.

Said chapter is further amended by revising subsection (i) of Code Section 35-3-190, relating to state-wide alert system for unapprehended murder or rape suspects determined to be serious public threats, as follows:

"(i) Any entity or individual ~~participating~~ involved in the dissemination of a 'Kimberly's Call' alert system generated pursuant to this Code section shall not be liable for any civil damages arising from the such dissemination ~~of any alert generated pursuant to the 'Kimberly's Call' alert system.~~"

SECTION 3.

Said chapter is further amended by adding a new article to read as follows:

"ARTICLE 935-3-200.

There is established a state-wide alert system known as 'Blue Alert' which shall be developed and implemented by the director.

35-3-201.

As used in this article, the term:

(1) 'Law enforcement agency' means a law enforcement agency with jurisdiction over the search for a suspect in a case involving the death or serious injury of a law enforcement officer.

(2) 'Law enforcement officer' means a person who is granted by law the authority to enforce criminal, traffic, or penal laws.

35-3-202.

(a) The 'Blue Alert' system may be activated when a suspect for a crime involving the death or serious injury of a law enforcement officer has not been apprehended and law enforcement personnel have determined that the suspect may be a serious threat to the public.

(b) The provisions of Code Sections 35-3-173, 35-3-175, and 35-3-178 shall also apply to 'Blue Alert' as set forth in this article.

35-3-203.

(a) Upon notification by a law enforcement agency that a suspect in a case involving the death or serious injury of a law enforcement officer has not been apprehended and may be a serious threat to the public, the director shall activate the 'Blue Alert' system and notify appropriate participants in the 'Blue Alert' system, as established by rule, if:

(1) A law enforcement agency believes that a suspect has not been apprehended;

(2) A law enforcement agency believes that the suspect may be a serious threat to the public; and

(3) Sufficient information is available to disseminate to the public that could assist in locating the suspect.

(b) The area of the alert may be less than state-wide if the director determines that the nature of the event makes it probable that the suspect did not leave a certain geographic location.

(c) Before requesting activation of the 'Blue Alert' system, a law enforcement agency shall verify that the criteria described by subsection (a) of this Code section have been satisfied. The law enforcement agency shall assess the appropriate boundaries of the alert based on the nature of the suspect and the circumstances surrounding the crime.

(d) The director shall terminate any activation of the 'Blue Alert' system with respect to a particular suspect if:

(1) The suspect is located or the incident is otherwise resolved; or

(2) The director determines that the 'Blue Alert' system is no longer an effective tool for locating the suspect.

35-3-204.

Any entity or individual involved in the dissemination of a 'Blue Alert' generated pursuant to this article shall not be liable for any civil damages arising from such dissemination."

SECTION 4.

This Act shall become effective on July 1, 2009.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.